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Attorney for Plaintiff,  
AARON C. REED,

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION**

AARON C. REED, an individual,

Plaintiff,

v.

ALPINE REAL ESTATE, LLC d/b/a  
arebend.com; and DOES 1 through 10  
inclusive,

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FOR  
COPYRIGHT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff Aaron C. Reed, for his Complaint against Alpine Real Estate, LLC,  
d/b/a/ arebend.com and DOES 1 through 10 inclusive, Defendants, alleges as  
follows:

## **INTRODUCTION**

1. Aaron C. Reed (hereinafter “Plaintiff”), by counsel, brings this action against Alpine Real Estate, LLC d/b/a arebend.com, and DOES 1 through 10 inclusive, (hereinafter “Defendants”), with regard to the unlawful use of a copyrighted image owned by Plaintiff.

2. For the purposes of this Complaint for Damages, unless otherwise indicated, “Defendants” includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of the named Defendants.

3. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff’s damages as herein alleged were proximately caused by the conduct of said Defendants.

Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, “Defendants” shall mean all named Defendants and all fictitiously named Defendants.

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### **JURISDICTION AND VENUE**

4. This is a civil action seeking damages and injunction relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendants violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. §§ 106 and 106A.

5. This Court has personal jurisdiction over Defendants because, Defendants conduct business in the state of Oregon, Defendants' acts of infringement complained of herein occurred in the State of Oregon, and Defendants have caused injury to Plaintiff within the State of Oregon.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because, a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because, on information and belief, Defendants' principle place of business is located within this judicial district at 2214 NE Division Street, Bend, Oregon, 97701.

### **PARTIES**

7. Plaintiff Aaron C. Reed resides in the city of Sammamish, in the State of Washington and is a professional photographer by trade.

8. Plaintiff is the sole author and exclusive rights holder to an original image of a Sparks Lake (the "Image") pursuant to 17 U.S.C. §§ 101 and 106. A

true and correct copy of Plaintiff's original Image is attached hereto as Exhibit A.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant Alpine Real Estate, LLC is a business entity conducting business in the state of Oregon with its principle place of business at 2214 NE Division Street, Bend, Oregon, 97701.

10. Plaintiff is informed and believes, and thereon alleges, that Defendants conduct business through their publically available commercial website <http://arebend.com/>.

### **FACTUAL ALLEGATIONS**

11. Plaintiff is a professional fine art landscape and nature photographer specializing in large format, gallery quality limited edition prints. Plaintiff distributes each of his images as part of limited edition collections carrying strict production limits between 50 and 200. A piece that has reached its production limit will be retired and never produced again.

12. A library of Plaintiff's work, including the Image, is available for purchase by the general public through Plaintiff's website <https://www.aaronreedphotography.com/>.

13. Due to the high quality and limited availability of Plaintiff's works, Plaintiff routinely sells individual photographs for a premium.

14. Plaintiff is the sole author of the original Image.

15. By virtue of his sole authorship, Plaintiff has complete ownership rights and copyrights to the Image.

16. Plaintiff has registered the Image with the United States Copyright Office under registration numbers VAu 1-119-527, with and effective date of registration of January 30, 2013.

17. On information and belief, Defendants own and operate the commercial website <http://arebend.com/>.

18. On or about April 13, 2017, Plaintiff discovered that Defendants used the Image on Defendants' commercial website. A true and correct copy of Defendants' infringing use of Plaintiff's Image is attached hereto as Exhibit B.

19. Plaintiff did not consent to authorize, permit, or allow in any manner the use of the Image by Defendants.

20. Plaintiff is informed and believes that Defendants used Plaintiff's copyrighted Image without his permission and that they published, communicated, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique Image of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

21. On information and belief, Defendants knew that they did not possess any rights in the Image and that its use of the Image was unauthorized.

22. On information and belief, Defendants' use of the Image was

deliberate and willful.

23. Defendants used the Image to promote the Defendants' website despite its knowledge that the Image is subject to copyright.

24. Plaintiff did not consent to the use of his Image for Defendants' commercial gain.

25. After discovering Defendants' infringing use of Plaintiff's Image, Plaintiff alerted Defendants that the Image was subject to copyright and the Defendants' did not have permission to display the Image on their website.

26. As of the date of the filing of this complaint, Plaintiff's Image is still publically displayed by Defendants' through their commercial website at <http://arebend.com/panel/photos/t5327-1f3c4ce4d95216a02ee2fa99d1297ab7>. A true and correct copy of a time stamped image of Defendants' continued infringing use is attached hereto as Exhibit C.

### **FIRST CAUSE OF ACTION**

### **COPYRIGHT INFRINGEMENT**

### **Title 17 of the United States Code**

27. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

28. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Image.

29. Plaintiff is informed and believes and thereon alleges that the Defendants willfully infringed upon Plaintiff's copyrighted Image in violation of Title 17 of the U.S. Code, in that they used, published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Image of the Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

30. On information and belief, Defendants' continued display of Plaintiff's Image is willful.

31. As a result of Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 pursuant to 17 U.S.C. § 504(c).

32. As a result of the Defendants' violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

33. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- For statutory damages against Defendants in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);

- For general and special damages against Defendants according to proof together with interest thereon at the maximum legal rate;
- For costs of litigation and reasonable attorney's fees against Defendants pursuant to 17 U.S.C. § 505;
- For an injunction preventing Defendants from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- For any other relief the Court deems just and proper.

Dated: September 6, 2017

Respectfully submitted,

/s/ Mathew K. Higbee  
Mathew K. Higbee, Esq.  
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*Counsel for Plaintiff*



**DEMAND FOR JURY TRIAL**

Plaintiff, Aaron C. Reed, hereby demands a trial by jury in the above matter.

Dated: September 6, 2017

Respectfully submitted,

/s/ Mathew K. Higbee  
Mathew K. Higbee, Esq.  
Oregon Bar No. 106514  
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*Counsel for Plaintiff*

# **Exhibit “A”**



# **Exhibit “B”**





ALPINE REAL ESTATE

# SELLING YOUR HOME IN CENTRAL OREGON

## TIPS FOR GETTING READY TO SELL

So, you've decided after thoroughly thinking it out that selling your home is something that you're really ready to do now but you don't know where to begin?

Before selling your house the most important thing you should be focusing on is of course, getting your house ready. Anyone selling their house wants quick cash and a legit deal, right? Of course they do! However, there is honestly a lot of work behind closing such a deal.

*The first step is  
preparing your house for sale.*

Preparing your house to sell it shouldn't take any longer than 7-10 days, but if it does then that's alright too. Remember, you really want to focus on quality, not quantity.

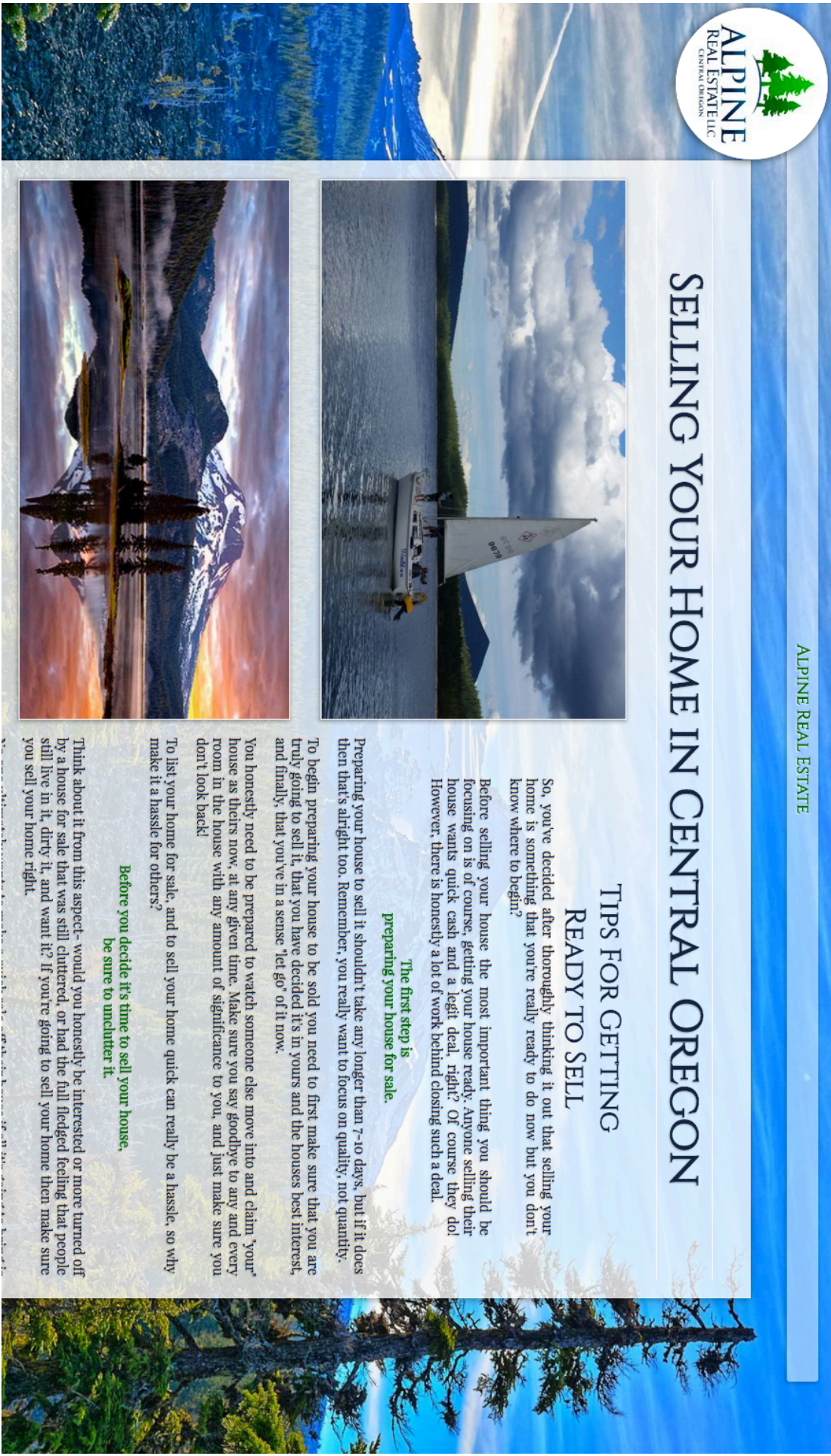
To begin preparing your house to be sold you need to first make sure that you are truly going to sell it, that you have decided it's in yours and the houses best interest, and finally, that you've in a sense 'let go' of it now.

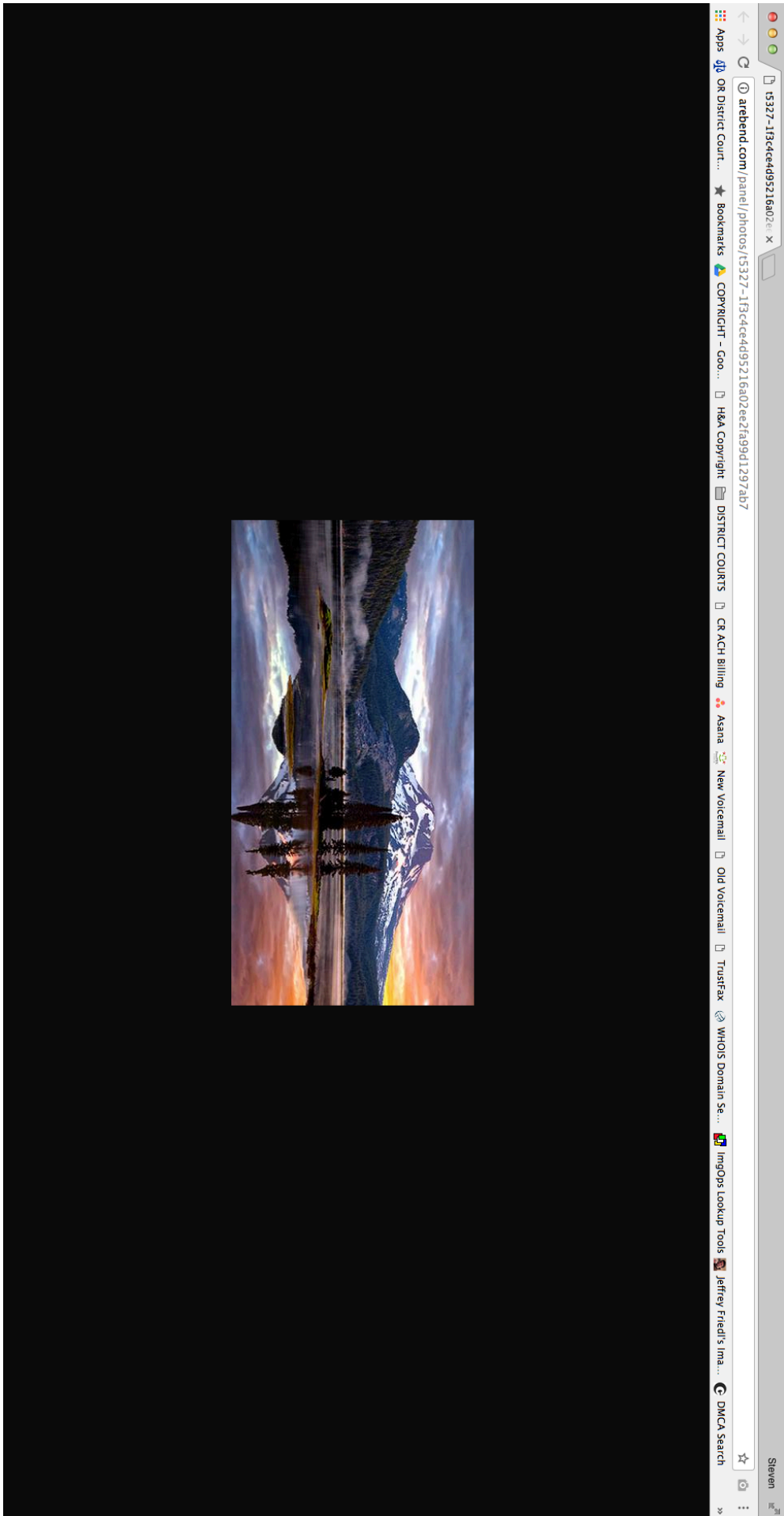
You honestly need to be prepared to watch someone else move into and claim "your" house as theirs now, at any given time. Make sure you say goodbye to any and every room in the house with any amount of significance to you, and just make sure you don't look back!

To list your home for sale, and to sell your home quick can really be a hassle, so why make it a hassle for others?

*Before you decide it's time to sell your house,  
be sure to unclutter it.*

Think about it from this aspect- would you honestly be interested or more turned off by a house for sale that was still cluttered, or had the full fledged feeling that people still live in it, dirty it, and want it? If you're going to sell your home then make sure you sell your home right.





# **Exhibit “C”**

